

COUNTY OF KAUAI  
Minutes of Meeting  
**Open Session**

Board/Committee:	<b>LIQUOR CONTROL COMMISSION</b>	Meeting Date	<b>November 5, 2015</b>
Location	Mo'ikeha Building, Meeting Room #3	Start of Meeting: 4:02 p.m.	End of Meeting: 4:38 p.m.
Present	Chair Paul Endo, Vice Chair Josephine Sokei; Members: Shirley Akita, Jean Iida, Gerald Matsunaga, Dane Oda, Pauline Ventura Also: Liquor Control Staff: Director Gerald Rapozo, Private Secretary Cherisse Zaima; Deputy County Attorney Nicholas Courson;		
Excused			
Absent			

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SUBJECT	DISCUSSION	ACTION
<b>Call To Order</b>		Chair Endo called the meeting to order at 4:02 p.m. with 7 members present, constituting a quorum.
<b>Roll Call</b>	Director Rapozo called roll, noting 7 members were present.	
<b>Approval of the Agenda</b>		Ms. Akita moved to approve the agenda. Mr. Matsunaga seconded the motion. Motion carried 6:0.
<b>Public Hearing</b>	<u>DESTINATION EVENTS HAWAII, LLC</u> : Application No. 2016-20 was filed on July 27, 2015 by Destination Events Hawaii LLC dba Destination Events for a Restaurant General License (live entertainment and dancing) located at 4900 Kuawa Road, Kilauea, Kauai, Hawai'i. The Commission accepted Application No. 2016-20 for publication and public hearing on August 20, 2015 and ordered to print notices of public hearing in The Garden Island newspaper on Wednesdays, September 16 & 24, 2015 scheduling the public hearing on Thursday, November 5, 2015 at 4:00 p.m. or shortly thereafter in Meeting Room #3 of the Līhu'e Civic Center, Moikeha Building, 4444 Rice Street, Līhu'e, Kaua'i, Hawai'i.	

	<p>Ms. Jennifer Vanderlaan, part-owner and managing member, was present.</p> <p>Ms. Carol Diaz, employee and acting bartender for Destination Events, provided testimony on behalf of the applicant. She stated that they have complied with all rules and regulations, have not received any citations, and try their best to ensure all patrons are safe. She expressed her biggest concern as a bartender is that without a liquor license, they do not have any means of regulating the consumption amount of individuals visiting their facility. Because of the roads, and the many accidents that occur, it is a huge concern to her.</p> <p>Commissioner Matsunaga asked how long she has been an employee to which Ms. Diaz replied about 3 years. Commissioner Matsunaga asked if during that time she has received any complaints regarding noise to which Ms. Diaz stated she, personally, has not received any complaints. She further noted that Ms. Vanderlaan is generally in charge of things like that.</p> <p>Chair Endo asked whether the Department has received any complaints to which Director Rapozo replied they have not received any complaints.</p> <p>Ms. Monica Merrill, assistant to Ms. Vanderlaan and lead event coordinator, provided testimony on behalf of the applicant. She stated she feels having this license will allow them to better regulate consumption of clientele.</p> <p>Commissioner Akita noted the Commission received several letters of opposition, but none of the opposing parties were present at the hearing.</p> <p>Commissioner Matsunaga asked how long she has been employed with Ms. Vanderlaan to which Ms. Merrill replied she has been employed on and off during the time Common Ground was still in operation at the property, but during the course of her employment, she has not personally received any</p>	
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	<p>noise complaints.</p> <p>Ms. Vanderlaan stated that she is the person who fields those types of calls, and noted that she has received two calls with regard to the noise. The first call was investigated by the applicant, and it was determined that the noise was coming from a neighboring property having an event; the applicant was not actively doing business at the time. Ms. Vanderlaan pointed out that the property is located in a large valley, and noise echoes throughout the area, which gave the impression that the noise was coming from her establishment. The second call was an inquiry about what was happening at the property, and the call was received at approximately 8:30 p.m. Ms. Vanderlaan stated that she also reconfirmed with the Planning Commission prior to this hearing on whether they have received any calls of complaint; there are no calls of complaint through the Planning Commission.</p> <p>Chair Endo noted the application states the operating hours will be from 9:00 a.m. to 10:00 p.m. various days of the week. Ms. Vanderlaan explained when they originally started it was a 5 to 6 day a week, daytime only operation from 9:00 a.m. to 3:00 p.m. About three years ago, they went to the Planning Commission to extend the hours in case they decided to do dinner, or special events; they were approved for 9:00 a.m. to 9:00 p.m. with an additional allowance of four special events a month that can go until 10:00 p.m. She submits a letter to the Planning Commission every month to inform them of special event dates. Ms. Vanderlaan also explained that she does have a decibel meter to keep track of the noise levels when they do have an event or any music.</p> <p>Ms. Vanderlaan addressed the statements made in the letters of opposition that suggested the restaurant had closed, stating the restaurant has not closed, but the name has changed from The Garden Café to something that better represents what they are trying to do. Because they are on Agricultural land, they do try to use things grown on their land. The Garden</p>	
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	<p>Café's menu was so extensive that it was difficult to keep up with the current level of operations while sticking to use only products from their property. Last year is when the team decided the best way to stay true to that was to minimize the hours of the restaurant, which is currently open two days a week regularly, and occasional pop-up dinners for farm-to-table events. Mixes used for their liquors are created using herbs grown on-property.</p> <p>Commissioner Oda asked to clarify that the 10:00 p.m. noise rule was due to the Department of Health's noise control rules to which Director Rapozo explained that condition was set by the Planning Commission. The Liquor Commission Rules and Regulations also has a section that addresses noise, which is essentially taken from the Health Department's guidelines. Commissioner Oda pointed out that the complaints Ms. Vanderlaan received were at 8:30 p.m. which is earlier than what is stated in the rules. Commissioner Oda noted that the report states the closest residential dwelling is about 1000 feet away from the applicant's property, and asked if they knew where the complaint had originated from. Ms. Vanderlaan stated there are a few dwellings along the perimeter of the property. She is unsure how far away they are, but knows that the closest property line is behind them where there are no residential dwellings. The one complaint she received regarding the noise that was not from their property was received from a dwelling near Stone Dam about a third of a mile away, but the second call was anonymous.</p> <p>Commissioner Oda pointed out that most of the letters of opposition expressed concern about potential accidents along the road, but noted that anything that happens on the State Highway is not within Ms. Vanderlaan's control. Ms. Vanderlaan stated her main concern is that prior to the property having a liquor license, she would often see bottles along the side of the road, and people coming and going throughout the neighborhood with alcohol. With a liquor license in place, she is able to control that, and</p>	
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	<p>highly encourage the use of shuttles, busses and taxis.</p> <p>The public hearing for Application No. 2016-20 was closed.</p>	<p>Ms. Akita moved to approve Application No. 2016-20. Mr. Matsunaga seconded the motion. Motion carried 7:0.</p>
<b>Violation Hearings</b>	<p>a) <u>MEA INU BEER KIOSK (continued from September 17, 2015 meeting)</u>: Violation of Section 281-31(f)(1) Class 5 Dispenser Licenses.</p> <p>Mr. Garret Lew, President and Treasurer of GRL Corporation was present along with Mr. Robert Ueoka, counsel. The licensee pleaded no contest to the charges.</p> <p>Mr. Ueoka explained that the violation stemmed from several patrons consuming alcohol outside of the designated area, shown on the floor-plan provided, outlined in red. Once the manager was made aware of this by the investigator, the licensee immediately ushered the patrons back into the licensed premises at which time the violation was issued. Mr. Ueoka stated the licensee apologized for the incident, which they take very seriously, and have since implement various measures to prevent the same type of violation, such as additional signage indicating areas prohibited for liquor consumption, and regarding the State Liquor Laws on counters, behind the bar, and table tents on tables.</p> <p>Commissioner Akita asked how the long the kiosk has been in operation to which Mr. Lew replied a little over a year. Commissioner Akita noted that the investigator’s report states the bartender had been warned twice in the past for this same offense, and asked if this had been discussed with her. Mr. Ueoka stated Ms. Nieva Ortiz, Assistant Director of Operations, was present at the time, and has spoken with other employees and bartenders regarding this violation.</p>	

	<p>Commissioner Matsunaga pointed out that Ms. Ortiz had been issued the previous warnings. Mr. Lew explained that they are more involved now, and have coached and counseled all their bar staff, and it has been reiterated to them that no alcohol should leave the bar premises.</p> <p>Commissioner Oda stated that he works at the airport once a week and when he found out there was going to be a bar in that area, one of his concerns was how they would control the customers. He noted that there is not any type of physical barrier to indicate the limits of the establishment, and patrons may tend to drift. In addition to what is already being done, he feels they need to look at what else they can do to control that, and perhaps be a bit more aggressive.</p>	<p>Mr. Matsunaga moved to impose a fine of \$500 with \$250 suspended provided there is no conviction of the same violation within the year ending November 5, 2016. Ms. Iida seconded the motion. Motion carried 7:0.</p>
	<p>b) <u>KAUAI SPORTS BAR &amp; ASIAN CUISINE</u>: Violation of Rule 7.13 Fight and Disturbance Reports.</p> <p>Pursuant to Rule 3.11 of the Rules and Regulations of the Liquor Control Commission, the licensee has waived their right to a hearing, and paid a fine of \$100.</p>	<p>Ms. Ventura moved to accept the waiver of hearing, and fine of \$100. Ms. Iida seconded the motion. Motion carried 7:0.</p>
<b>Minutes of the Meeting</b>	<u>Minutes of the Meeting of September 17, 2015</u>	<p>Mr. Matsunaga moved to approve the minutes. Ms. Iida seconded the motion. Motion carried 7:0.</p>
<b>1.</b>	<p><u>DIRECTOR'S REPORT:</u></p> <p>a) <u>INVESTIGATORS' REPORTS</u></p> <p>b) <u>INCOMING COMMUNICATIONS:</u>  (1) From Strike &amp; Techel, Re: Patron Social Club Country Music Awards Giveaway</p>	

	<p>(2) From Avid Marketing Group, Re: Heineken and Tecate coupon offers, and Tito’s Wanderlust sweepstakes</p> <p>(3) From Remy Cointreau USA, Inc., Re: 750 ml Cointreau Liqueur with Lime Squeezer and Shaker</p> <p>(4) Disturbance Report from Café Portofino</p> <p>c) <u>OUTGOING COMMUNICATIONS:</u></p> <p>(1) To Avid Marketing Group, Re: Heineken and Tecate coupon offers, and Tito’s Wanderlust sweepstakes</p> <p>(2) To Remy Cointreau USA, Inc., Re: 750 ml Cointreau Liqueur with Lime Squeezer and Shaker</p> <p>(3) To Kauai Sports Bar &amp; Asian Cuisine, Re: Pre-Audit</p> <p>(4) To All Wholesale Licensees, Re: Temporary License Kauai Lagoons, Cancellation of License and New Liquor License Poipu Beach Athletic Club, Transfer of License Sam’s on the Beach</p> <p>d) <u>EMPLOYEES IN LICENSED PREMISES:</u> Managers and Assistant Managers – See Attachment.</p> <p>e) <u>ACTIONS OF THE DIRECTOR:</u></p> <p>(1) DUKE’S CANOE CLUB</p> <p>(2) LIVING FOODS</p> <p>(3) MERRIMAN’S</p> <p>(4) THE WINE GARDEN</p> <p>(5) DESTINATION EVENTS HAWAII</p> <p>(6) WILCOX HEALTH FOUNDATION</p> <p>(7) ST. MICHAEL’S AND ALL ANGELS EPISCOPAL CHURCH</p> <p>(8) HAWAII LODGING &amp; TOURISM ASSOCIATION</p> <p>f) <u>INFORMATIONAL MATTERS:</u></p>	<p>Mr. Oda moved to receive Items 1 (a) through (f). Ms. Iida seconded the motion. Motion carried 7:0.</p>
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2.	<p><u><b>VIOLATION REPORTS:</b></u></p> <p>a) <u><b>9<sup>TH</sup> ISLAND SPORTS BAR &amp; GRILL:</b></u> Violation of Rule 4.7(b) Gross liquor sales report, percentage fee and records.</p> <p>b) <u><b>KAUAI SPORTS BAR &amp; ASIAN CUISINE:</b></u> Violation of Rule 4.7(d) Records and accounts.</p> <p>c) <u><b>PARADISE BAR &amp; GRILL:</b></u> Violation of Rule 4.7(b) Gross liquor sales report, percentage fee and records.</p> <p>d) <u><b>PAU HANA GRILL &amp; BAR:</b></u> Violation of Rule 4.7(b) Gross liquor sales report, percentage fee and records.</p> <p>e) <u><b>PORTOFINO RESTAURANT:</b></u> Violation of Rule 4.7(b) Gross liquor sales report, percentage fee and records.</p> <p>f) <u><b>TAHITI NUI:</b></u> Violation of Rule 4.7(b) Gross liquor sales report, percentage fee and records.</p> <p>g) <u><b>WALMART SUPERCENTER #2308:</b></u> Violation of Rule 4.7(b) Gross liquor sales report, percentage fee and records.</p>	<p>Ms. Akita moved to call licensee for violation hearing. Mr. Matsunaga seconded the motion. Motion carried 7:0.</p>
3.	<p><u><b>CHANGE IN CORPORATE OFFICERS:</b></u></p> <p>a) <u><b>FOODLAND SUPER MARKET, LTD.:</b></u> Removal of Joanna Lau Sullivan as Secretary, Treasurer, and Director; removal of Joseph Conder Detro as Senior Vice President.</p> <p>b) <u><b>FOOD PANTRY, LTD.:</b></u> Removal of Joanna Lau Sullivan as Secretary, Treasurer, and Director.</p>	<p>Ms. Akita moved to approve the change in corporate officer. Ms. Iida seconded the motion. Motion carried 7:0.</p>
4.	<p><u><b>CHANGE OF FIRM NAME:</b></u></p> <p><u><b>SAM’S ON THE BEACH:</b></u> Change of firm name on Restaurant General License 2G-074 from “Sam’s on the Beach” to “Sam’s Ocean View”.</p>	<p>Ms. Iida moved to approve the change of firm name. Ms. Sokei seconded the motion. Motion carried 7:0.</p>



5.	<p><u>SPECIAL REQUEST:</u></p> <p><u>UMI'S STORE:</u> Permanent decrease of premise to remove the center room (former Jojo's shave ice), and permanent increase of premise to include the room at the far end of the building for storage purposes, per diagram submitted.</p>	Ms. Iida moved to approve the permanent increase of premises. Ms. Sokei seconded the motion. Motion carried 7:0.
6.	<p><u>ALCOHOL PURCHASE PERMIT:</u></p> <p><u>NATIONAL TROPICAL BOTANICAL GARDEN:</u> Request for permit to purchase ethanol.</p>	Ms. Iida moved to approve the change in firm name and license in abeyance. Ms. Sokei seconded the motion. Motion carried 7:0.
7.	<p><u>PROPOSED AMENDMENTS TO RULES AND REGULATIONS OF THE LIQUOR CONTROL COMMISSION OF THE COUNTY OF KAUAI:</u></p> <p>Commissioner Oda asked whether there is a definition designating a dance floor to which Director Rapozo replied our current rules contain requirements for a dance floor, which must be 150 square feet.</p>	Ms. Ventura moved to approve the proposed amendments. Ms. Akita seconded the motion. Motion carried 7:0.
8.	<p><u>CANCELLATION OF LIQUOR LICENSE:</u></p> <p><u>CASA DI AMICI:</u> Cancellation of Restaurant General License No. 2G-053 effective October 31, 2015.</p> <p>Mr. Randall Yates, licensee, stated they will be retiring which is the reason for the cancellation.</p>	Ms. Iida moved to accept the cancellation of liquor license. Ms. Sokei seconded the motion. Motion carried 7:0.
9.	<p><u>PERMISSION TO SELL LIQUOR INVENTORY:</u></p> <p><u>CASA DI AMICI:</u> Request to liquidate all unopened alcohol.</p>	Ms. Akita moved to approve the temporary liquor license. Ms. Iida seconded the motion. Motion carried 7:0.
<b>Announcements</b>	Next Scheduled Meeting: Thursday, November 19, 2015 – 4:00 pm,	

	Mo'ikeha Building, Meeting Room #3.	
<b>Adjournment</b>		Chair Endo adjourned the meeting at 4:38 p.m.

Submitted by: \_\_\_\_\_  
Cherisse Zaima, Private Secretary

Reviewed and Approved by: \_\_\_\_\_  
Paul Endo, Chair

- ( ) Approved as is.  
( ) Approved with amendments. See minutes of \_\_\_\_\_ meeting.